

HEADLINE : Memorandum of Disapproval for the Jena Band of Choctaws of Louisiana
Restoration Act

BODY:

I am withholding my approval of S. 3095, entitled the "Jena Band of Choctaws of Louisiana Restoration Act."

S. 3095 would establish the Jena Bank of Choctaw Indians in Louisiana as a distinct, federally recognized Indian tribe.

It is important that all groups seeking Federal recognition as an Indian tribe should go through the established Federal acknowledgment process. The 'process was established with the encouragement and support of the Indian tribes and the Congress to deal uniformly and consistently with requests for acknowledgment. The acknowledgment process is objective, applies fair criteria, and provides each petitioning group the opportunity for an unbiased, detailed evaluation of its documented petition.

S. 3095 would circumvent the standard Federal acknowledgment process, establish a precedent that would weaken the Department of the Interior's acknowledgment process, and encourage other groups to seek statutory recognition outside this well-established process. Further, it would be inequitable to other groups seeking Federal acknowledgment. Finally, it is inconsistent with the standard practice of "restoring" Federal recognition to only those tribes that have been previously recognized and legislatively terminated.

S. 3095, in using the term "restore," automatically assumes the Band was formerly recognized as the Band claims. This claim is based on the fact that, for a few years in the 1930's, the United States funded a school for Indians at Jena, Louisiana, and, in 1938, considered relocating Jena families to Mississippi, but did not do so. The limited provision of funds for education and the consideration to relocate Jena families were actions based on the identification of members of the group as Indians, not on indemnification of the group as a tribe. There is a distinction between identifying individuals as Indians versus Federal recognition of a tribe, which establishes a perpetual government-to-government relationship.

Enactment of S. 3095 would circumvent and weaken the Federal acknowledgment process and be unfair to other groups similarly situated. For these reasons, I am withholding my approval of S. 3095.

George Bush

The White House, October 21, 1992.